

Joseph N. Kravec, Jr. (*Admitted Pro Hac Vice*)  
 SPECTER SPECTER EVANS  
 & MANOGUE, P.C.  
 The 26<sup>th</sup> Floor Koppers Building  
 Pittsburgh, Pennsylvania 15219  
 Tel: (412) 642-2300  
 Fax: (412) 642-2309  
 E-mail: [jnk@ssem.com](mailto:jnk@ssem.com)

Michael D. Braun (167416)  
 BRAUN LAW GROUP, P.C.  
 12304 Santa Monica Blvd., Suite 109  
 Los Angeles, CA 90025  
 Tel: (310) 442-7755  
 Fax: (310) 442-7756  
 E-mail: [service@braunlawgroup.com](mailto:service@braunlawgroup.com)

Ira Spiro (67641)  
 J. Mark Moore (180473)  
 SPIRO MOSS BARNES, LLP  
 11377 West Olympic Blvd., Fifth Floor  
 Los Angeles, CA 90064-1683  
 Tel: (310) 235-2468  
 Fax: (310) 235-2456  
 E-mail: [ira@spiromoss.com](mailto:ira@spiromoss.com)  
[mark@spiromoss.com](mailto:mark@spiromoss.com)

Janet Lindner Spielberg (221926)  
 LAW OFFICES OF JANET  
 LINDNER SPIELBERG  
 12400 Wilshire Blvd., Suite 400  
 Los Angeles, CA 90025  
 Tel: (310) 392-8801  
 Fax: (310) 278-5938  
 E-mail: [jlsplberg@jlspl.com](mailto:jlsplberg@jlspl.com)

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

FELTON A. SPEARS, JR. and SIDNEY  
 SCHOLL, on behalf of themselves and all  
 others similarly situated,

Plaintiffs,

v.

WASHINGTON MUTUAL, INC., a  
 Washington corporation; WASHINGTON  
 MUTUAL BANK, FA (a/k/a  
 WASHINGTON MUTUAL BANK); FIRST  
 AMERICAN EAPPRAISEIT, a Delaware  
 corporation; and LENDER'S SERVICE,  
 INC.,

Defendants.

**CASE NO.: 5:08-CV-00868 (RMW)**

**CLASS ACTION**

**RESCHEDULED NOTICE OF MOTION  
 RE: MOTION FOR JURISDICTIONAL  
 DISCOVERY**

Date: October 7, 2008  
 Time: 10:00 a.m.  
 Place: Courtroom 2, 5th Floor  
 280 South 1st Street  
 San Jose, CA 95113

Honorable Howard R. Lloyd

**RESCHEDULED NOTICE OF MOTION  
RE: MOTION FOR JURISDICTIONAL DISCOVERY**

**TO ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE THAT** on October 7, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard in Courtroom 2, 5th Floor, of the above-entitled Court, located at 280 South 1st Street, San Jose, CA 95113, before the Honorable Howard R. Lloyd, Plaintiffs Felton A. Spears, Jr. and Sidney Scholl will move the Court for the entry of an Order to allow jurisdictional discovery to be taken regarding Plaintiffs' standing to pursue an action against Defendant LSI Appraisal, LLC (f/k/a Lender's Service, Inc.) ("LSI") (Document No. 97). This motion was originally noticed for a hearing before the Honorable Ronald M. Whyte on August 15, 2008, but undersigned counsel has been advised by Magistrate Judge Lloyd's clerk that this motion has been reassigned to him for disposition and that it should be re-noticed accordingly for a new hearing date.

Plaintiffs seek, in the alternative to this Court's denying LSI's Motion to Dismiss Plaintiffs' First Amended Complaint for lack of Article III standing, to take discovery related to LSI's participation and role, if any, in Plaintiffs' appraisals and the alleged conspiracy with co-defendants Washington Mutual Bank, FA and First American eAppraiseIT which are subject to the above-captioned action. This Motion is supported by the Affidavit of Joseph N. Kravec, Jr. in Support of Plaintiffs' Motion for Jurisdictional Discovery (Document No. 98), the documents filed in this action, and relevant federal law.

Dated: July 31, 2008

**SPECTER SPECTER EVANS &  
MANOGUE, P.C.**

By: s/Joseph N. Kravec, Jr.  
Joseph N. Kravec, Jr.

The 26<sup>th</sup> Floor Koppers Building  
Pittsburgh, Pennsylvania 15219  
Tel: (412) 642-2300  
Fax: (412) 642-2309  
E-mail: jnk@ssem.com

1 Michael D. Braun, Esquire  
2 **BRAUN LAW GROUP, P.C.**  
3 12304 Santa Monica Blvd., Suite 109  
4 Los Angeles, CA 90025  
5 Tel: (310) 442-7755  
6 Fax: (310) 442-7756  
7 E-mail: service@braunlawgroup.com

8 Ira Spiro (67641)  
9 J. Mark Moore (180473)  
10 **SPIRO MOSS BARNES, LLP**  
11 11377 West Olympic Blvd., Fifth Floor  
12 Los Angeles, CA 90064-1683  
13 Tel: (310) 235-2468  
14 Fax: (310) 235-2456  
15 E-mail: ira@spiromoss.com  
16 mark@spiromoss.com

17 Janet Lindner Spielberg (221926)  
18 **LAW OFFICES OF JANET**  
19 **LINDNER SPIELBERG**  
20 12400 Wilshire Blvd., Suite 400  
21 Los Angeles, CA 90025  
22 Tel: (310)3928801  
23 Fax: (310)278-5938  
24 E-mail: jlspielberg@jlslp.com

25 *Attorneys for Plaintiffs*  
26  
27  
28

**PROOF OF SERVICE**

STATE OF PENNSYLVANIA      }  
COUNTY OF ALLEGHENY      } ss.:

I am employed in the County of Allegheny, State of Pennsylvania. I am over the age of 18 and not a party to the within action. My business address is The 26<sup>th</sup> Floor Koppers Building, Pittsburgh, Pennsylvania 15219.

On July 31, 2008, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Joseph N. Kravec, Jr., I filed and served the document(s) described as:

**RESCHEDULED NOTICE OF MOTION  
RE: MOTION FOR JURISDICTIONAL DISCOVERY**

The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties are served as follows:

Janet Lindner Spielberg, Esquire	jlspielberg@jlslp.com
Ira Spiro, Esquire	ira@spiromoss.com
Robert Ira Spiro, Esquire	ira@spiromoss.com
J. Mark Moore, Esquire	mark@spiromoss.com
Michael D. Braun, Esquire	service@braunlawgroup.com

**Attorneys for Plaintiffs**

Robert J. Pfister, Esquire	rpfister@stblaw.com
Martin L. Fineman, Esquire	martinfineman@dwt.com
Stephen Michael Rummage, Esquire	steверummage@dwt.com
Sam N. Dawood, Esquire	samdawood@dwt.com
Jonathan M. Lloyd, Esquire	jonathanlloyd@dwt.com

**Attorneys for Defendant Washington Mutual, Inc.**

Laura Jean Fowler, Esquire	lfowler@mhalaw.com
----------------------------	--------------------

**Attorneys for Defendant eAppraiseIT**

Margaret Anne Keane, Esquire	mkeane@dl.com
Kris Hue Chau Man, Esquire	kman@dl.com
Angela M. Papalaskaris, Esquire	apapalas@dl.com
Christopher J. Clark, Esquire	cjclark@dl.com

Kevin C. Wallace, Esquire kwallace@dl.com  
Jeffrey D. Rotenberg, Esquire jrotenberg@tpw.com  
Richard F. Hans, Esquire rhans@tpw.com

**Attorneys for Defendant LSI Appraisal, LLC**

On July 31, 2008, I served the document(s) described as:

**RESCHEDULED NOTICE OF MOTION  
RE: MOTION FOR JURISDICTIONAL DISCOVERY**

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

Kerry Ford Cunningham, Esquire  
Patrick J. Smith, Esquire  
Thacher Proffitt & Wood LLP  
Two World Financial Center  
New York, New York 10281

**Attorneys for eAppraiseIT**

Kris H. Man, Esquire  
Dewey and LeBoeuf LLP  
One Embarcadero Center  
Suite 400  
San Francisco, CA 94111-3619

**Attorneys for LSI Appraisal, LLC**

I served the above document(s) as follows:

BY MAIL. I am familiar with the firm's practice of collection and processing correspondence by mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Pittsburgh, Pennsylvania in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in an affidavit.

I am employed in the office of an attorney who is admitted *pro hac vice* in this action at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on July 31, 2008, at Pittsburgh, Pennsylvania.

S/MARCIA Z. CARNEY  
Marcia Z. Carney